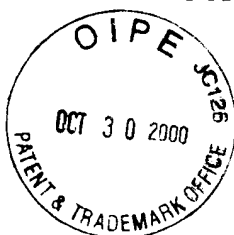


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

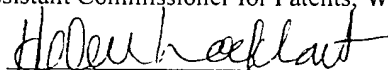
Applicant: Krieg et al.  
Serial No.: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633



Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 7<sup>th</sup> day of March, 2000.

  
Helen C. Lockhart

Sir:

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48

Applicants respectfully petition the Commissioner of the United States Patent and Trademark Office, pursuant to 37 CFR §1.48, to correct inventorship on the present application.

Due to claim restriction on the present application and the filing of a divisional application, Dr. Joel Kline, an originally named inventor, is no longer an inventor of the present invention as claimed. Specific guidelines for correction of inventorship of a pending patent application have been promulgated at 37 CFR §1.48. This section states in part "(b) if the correct inventors are named in a nonprovisional application, ... and the prosecution of the application results in the amendment or cancellation of claims so that fewer than all the currently named inventors are the actual inventors of the invention being claimed in the application, an amendment must be filed deleting the name or names of the person or person who are not inventors of the invention being claimed. ... Such amendment must be accompanied by:

- (1) A petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application; and
- (2) The fee set forth in §1.17 (i).

The invention of Dr. Joel Kline is no longer being claimed in the present application. Applicants respectfully request that the Patent Office delete Dr. Joel Kline as an inventor from this patent application.

Applicants further respectfully petition the Commissioner of the United States Patent and Trademark Office, pursuant to 37 CFR §1.48, to correct a failure to name two inventors to the originally-filed patent application. Through errors Dr. Alfred D. Steinberg and Dr. Dennis Klinman were incorrectly not named as inventors of the above-identified patent application without deceptive intent on their part. Specific guidelines for correction of inventorship of a pending patent application have been promulgated at 37 CFR §1.48. This section states in part “(a) if the inventive entity is set forth in error in an executed §1.63 Oath or Declaration in an application, other than a reissue application, and such error arose without any deceptive intent on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors. ... Such amendment must be accompanied by:

- (1) A petition including a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) An oath or declaration by the actual inventor or inventors as required by §1.63 or as permitted by §§1.42, 1.43, or 1.47;
- (3) The fee set forth in §1.17 (i); and
- (4) If an assignment has been executed by any of the originally named inventors, the written consent of the Assignee.

Applicants request that the Patent Office add Dr. Alfred D. Steinberg and Dr. Dennis Klinman to this patent application.

Attached to this Petition are the following as required by 37 CFR §1.48 (a):

- A verified statement from each of Dr. Alfred D. Steinberg and Dr. Dennis Klinman stating that the error in inventorship occurred without deceptive intention on his part;
- A verified statement signed by an official of the Assignee, The University of Iowa Research Foundation, to whom the originally named inventors, Drs. Arthur Krieg and Joel Kline, assigned all of their rights;
- A check for the fee set forth in 37 CFR §1.17(i) in the amount of \$130.00.

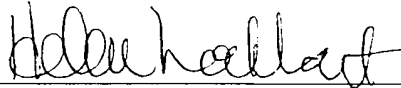
The Facts:

On December 6, 1999, an independent arbitrator rendered an opinion in an arbitration concerning an inventorship dispute of the above-identified patent application. The decision of the arbitrator, which was approved by all parties, found that inventorship had been improperly named in the above-identified patent application. It was found that Dr. Dennis Klinman and Dr. Alfred D. Steinberg are inventors of the claims as filed. In view of that opinion, Applicants have promptly initiated the steps to amend inventorship as described herein.

Applicants have also submitted herewith copies of documents relevant to the issue of inventorship. These documents include a letter dated April 11, 1995 from Dr. Arthur Krieg to Dr. Alfred D. Steinberg describing discussions related to the invention (Exhibit 1), a United States Patent Application (Serial No. 09/136,138) filed on August 18, 1998 by the National Institutes of Health during the resolution of the inventorship issues (Exhibit 2), and a copy of an Express Abandonment of Application under 37 CFR §1.138 for U.S. Serial No. 09/136,138 (Exhibit 3). Applicants respectfully request that the Examiner and Petitions Office consider each of the attached documents.

Should any questions remain regarding this petition, it is requested that the Examiner contact Applicants' representative, as signed below.

Respectfully Submitted,



---

Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
Tel (617)720-3500

Attorney Docket No. C1039/7005

Date: March 7, 2000

NDD



ATTORNEY'S DOCKET NO. C1039/7005 (HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633

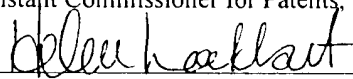
**Office of Petitions**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 7<sup>th</sup> day of March, 2000.

  
Helen C. Lockhart

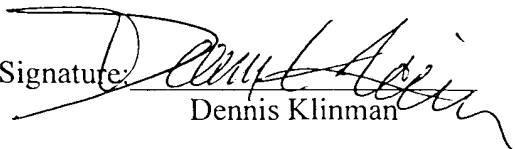
Sir:

**Verified Statement of Dr. Dennis Klinman**

I, Dennis Klinman, state the following:

1. There was an error in not naming myself as an inventor to the above-identified patent application and this error occurred without any deceptive intention on my part.
2. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date: 3/1/2000

Signature: 

Dennis Klinman



ATTORNEY'S DOCKET NO. C1039/7005 (HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

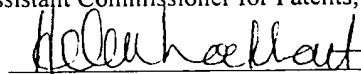
Applicant: Krieg et al.  
Serial No.: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633

Office of Petitions

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 7<sup>th</sup> day of March 2000.

  
Helen C. Lockhart

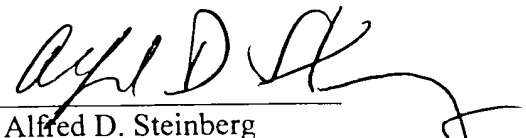
Sir:

Verified Statement of Dr. Alfred D. Steinberg

I, Alfred D. Steinberg, state the following:

1. There was an error in not naming myself as an inventor to the above-identified patent application and this error occurred without any deceptive intention on my part.
2. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date: 2-20-2000

Signature:   
Alfred D. Steinberg



ATTORNEY'S DOCKET NO. C1039/7005 (HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633

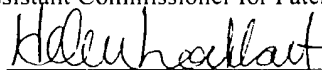
**Office of Petitions**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 7<sup>th</sup> day of March, 2000.

  
Helen C. Lockhart

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Sir:

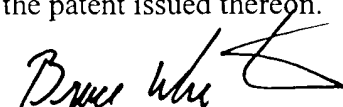
**Verified Statement of The University of Iowa Research Foundation**

**Statement in Support of Correction of Inventorship Under 37 CFR §1.48**

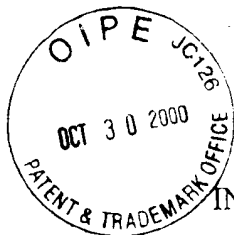
1. I, Bruce Wheaton, an official of The University of Iowa Research Foundation hereby verify that The University of Iowa Research Foundation agrees with the petition to amend inventorship attached hereto. Inventorship was named improperly when the above-identified patent application was filed, but this error was a mistake, and involved no deceptive intent on the part of The University of Iowa Research Foundation.

2. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date: 2/8/00

Signature: 

Bruce Wheaton



ATTORNEY'S DOCKET NO. C1039/7005(HCL)

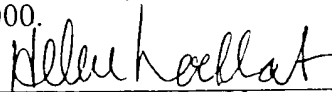
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633

---

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to, Office of Petitions, Commissioner for Patents, Washington, D.C. 20231, on the 28th day of August, 2000.

  
Helen C. Lockhart

---

OFFICE OF PETITIONS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

**SUPPLEMENTAL PETITION TO CORRECT**  
**INVENTORSHIP UNDER 37 C.F.R. §1.48**

Applicants respectfully submit the Supplement Petition to the Commissioner of the United States Patent Office pursuant to 37 C.F.R. §1.48 to correct inventorship on the present application. On March 7, 2000, the following documents were submitted to the Commissioner in order to correct inventorship:

Petition to Correct Inventorship under 37 C.F.R. §1.48  
Exhibits 1, 2, and 3  
Check in the Amount of \$130.00  
Verified Statements of Drs. Steinberg and Klinman  
Verified Statement of the University of Iowa Research Foundation (Assignee)  
Declaration of Patent Application  
Return Receipt Postcard



Examiner James Martinell in communication paper no. 21 mailed on April 28, 2000 notified Applicants that the Petition to Correct Inventorship was deficient for the following reasons:

An additional Petition fee of \$130.00 was required for deletion of an inventor (Dr. Joel Kline) associated with the Petition Under 37 C.F.R. §1.48(b). Applicants enclose herewith a check \$130.00 for the additional Petition fee under 37 C.F.R. §1.48(b).

The Statement of Mr. Wheaton was deemed to be insufficient because it did not establish ownership of the application as required under 37 C.F.R. §3.73(b). Applicants submit herewith a new Statement of Mr. Wheaton which cites the reel and frame number of the Assignment document which was recorded indicating that Dr. Joel Kline and Dr. Arthur Krieg both assigned all of their rights in the invention to the University of Iowa Research Foundation. Applicants also enclose a copy of the recorded Assignment.

The Statement of Mr. Wheaton was also deemed to be insufficient because it did not establish Mr. Wheaton as having authority to act on behalf of the Assignee. The new Statement of Mr. Wheaton establishes that Mr. Wheaton has the authority to act on behalf of the Assignee. Applicants have also enclosed copies of two letters from the University of Iowa to Dr. Wheaton granting Dr. Wheaton signatory authority on behalf of the University of Iowa Research Foundation for all University of Iowa Research Foundation documents dealing with licenses, patent materials, etc.

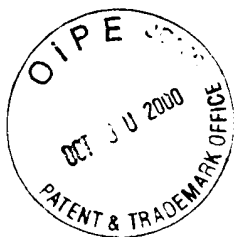
It is believed that the supplementary evidence provided herein is sufficient to complete the Petition filed on March 7, 2000. It is respectfully requested that the Petition be granted.

Respectfully Submitted,



Helen C. Lockhart  
Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617) 720-3500

Docket No.C1039/7005(HCL)  
Date: August 28, 2000  
**X08/28/00**



ATTORNEY'S DOCKET NO. C1039/7005 (HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 08/960,774  
Filed: October 30, 1997  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: J. Martinell  
Art Unit: 1633

**Office of Petitions**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Petitions, the Assistant Commissioner for Patents, Washington, D.C. 20231, on the 28 day of August, 2000.

Helen C. Lockhart

---

Sir:

**Verified Statement of the University of Iowa Research Foundation**

**Statement in Support of Correction of Inventorship Under 37 CFR §1.48**

1. I, W. Bruce Wheaton, am an official of the University of Iowa Research Foundation and have authority to act and sign on behalf of the University of Iowa Research Foundation.
2. The University of Iowa Research Foundation is the sole and exclusive assignee of the rights of Arthur M. Krieg and Joel Kline in the above-identified patent application, and as such is the sole owner of this patent application at this time. Assignments evidencing this ownership have been recorded with the USPTO on February 23, 1998, reel and frame 9069/0320. (copy enclosed)
3. I hereby verify that the University of Iowa Research Foundation agrees with the petition to amend inventorship attached hereto. Inventorship was named improperly when the

above-identified patent application was filed, but this error was a mistake, and involved no deceptive intent on the part of the University of Iowa Research Foundation.

4. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent issued thereon.

Date: 5/12/02

Signature: W. Bruce Wheaton  
W. Bruce Wheaton

## THE UNIVERSITY OF IOWA



May 1, 2000

Bruce Wheaton  
Executive Director  
The University of Iowa Research Foundation

Dear Dr. Wheaton:

The purpose of this letter is to extend your non-exclusive signatory authority on behalf of The University of Iowa Research Foundation (UIRF). As President of the UIRF, I delegate to you the authority to sign for the UIRF documents dealing with licenses, patent materials, confidentiality agreements, settlements, letters engaging professional services

on behalf of the UIRF as well as other documents such as we may discuss. This extension of delegation of signatory authority will remain in effect through June 10, 2001.

Please contact me if you have any questions about this letter. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "David Skorton".

David J. Skorton  
President, University of Iowa  
Research Foundation

cc: UIRF Board of Directors

University of Iowa  
Research Foundation

Oakdale Research Campus  
100 Oakdale Campus #214 TIC

Iowa City, Iowa 52242-5000

319/335-4546  
FAX 319/335-4489

## THE UNIVERSITY OF IOWA



July 1, 1999

Bruce Wheaton  
Executive Director  
The University of Iowa Research Foundation

Dear Dr. Wheaton:

The purpose of this letter is to extend your non-exclusive signatory authority on behalf of The University of Iowa Research Foundation (UIRF). As President of the UIRF, I delegate to you authority to sign for the UIRF documents dealing with licenses, patent materials, confidentiality agreements, settlements, letters engaging professional services on behalf of the UIRF, as well as other documents such as we may discuss. This extension of delegation of signatory authority will remain in effect through June 30, 2000.

Please contact me if you have any questions about this letter. Thank you.

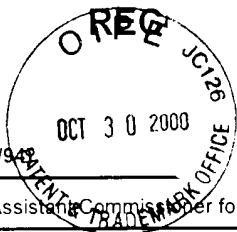
Sincerely,

David J. Skorton  
President, University of Iowa  
Research Foundation

c: UIRF Board of Directors



FORM PTO-1595 U.S.  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)



07-27-2000

SHEET



101415128

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Dennis Klinman

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: March 1, 2000

2. Name and address of receiving party(ies)

Name: The United States Of America, as represented  
by the Secretary, Department of Health and  
Human Services

Internal Address:

Street Address:

FDA/CBER

Building 29A, 3D10

Bethesda, Maryland 20892

Additional name(s) & addresses(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

08/960,774

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
Concerning document should be mailed:

Name: Helen C. Lockhart

Address: WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, MA 02210

6. Total number of applications and patents involved: **One**

7. Total fee (37 CFR 3.41)

\$ 40.00

☒ Enclosed (previously filed on 3/7/00)

☐ Authorized to be charged to deposit account

The Commissioner is authorized to charge:

8. Deposit Account No: 23/2825

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Helen C. Lockhart  
(Reg. No. 39,248)

7/12/00

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: **7**

Mail documents to be recorded with required cover sheet information to:  
Box Assignment, Assistant Commissioner for Patents,  
Washington, D.C. 20231

MD 3/13/00

Attorney's Docket No. C1039/7005

04-11-2000

COVER SHEET

-Y

FORM PTO-1595 U.S.  
(Rev. 6-93)  
OMB No. 0651-0011 (exp. 4/94)

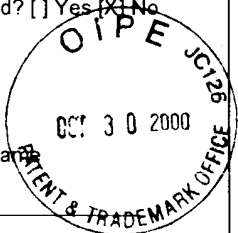


101314945

DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Assistant Commissioner for Patents : Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Dennis Klinman</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment                      <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement              <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____</p> <p>Execution Date: March 1, 2000</p>	<p>2. Name and address of receiving party(ies)</p> <p>Name: The United States Of America, as represented by the Secretary, Department of Health and Human Services</p> <p>Internal Address:</p> <p>Street Address:</p> <p>Additional name(s) &amp; addresses(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	--



4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)  
08/960,774

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

<p>5. Name and address of party to whom correspondence Concerning document should be mailed:</p> <p>Name: Helen C. Lockhart Address: WOLF, GREENFIELD &amp; SACKS, P.C. Federal Reserve Plaza 600 Atlantic Avenue Boston, MA 02210</p>	<p>6. Total number of applications and patents involved: <b>One</b></p> <p>7. Total fee (37 CFR 3.41) \$ 40.00  <input checked="" type="checkbox"/> Enclosed  <input type="checkbox"/> Authorized to be charged to deposit account _____</p> <p>The Commissioner is authorized to charge:</p> <p>8. Deposit Account No: 23/2825</p>
--	---

DO NOT USE THIS SPACE

9. Statement and signature  
*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Helen C. Lockhart (Reg. No. 39,248)		3/7/00
Name of Person Signing	Signature	Date

Total number of pages including cover sheet, attachments, and document: **4**

Mail documents to be recorded with required cover sheet information to:  
Box Assignment, Assistant Commissioner for Patents,  
Washington, D.C. 20231

04/11/2000 DNGUYEN 00000020 08960774

01 FC:581

40.00 DP



ASSIGNMENT

WHEREAS, I, Dennis Klinman, as an employee of the Department of Health and Human Services during which time co-invented "IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES" for which has been made application for Letters Patent of the United States Serial No. 08/960,774 filed October 30, 1997; and

WHEREAS, I am an applicant named in the above-identified application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle **THE UNITED STATES OF AMERICA, as represented by the Secretary, Department of Health and Human Services** [hereinafter **THE GOVERNMENT**] under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, **THE GOVERNMENT** is desirous of acquiring all domestic and foreign right, title, and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign and transfer to **THE GOVERNMENT**, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the United States and within each and every foreign country in which **THE GOVERNMENT** elects to file and the entire right, title, and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the United States and foreign countries, and such Letters Patent as may be granted to be held by **THE GOVERNMENT** to the end of the term for which the same would have been held by the inventor had this assignment not been made.

I further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist **THE GOVERNMENT** in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by **THE GOVERNMENT**.

IN WITNESS WHEREOF I subscribe my hand and seal on the dates shown below:

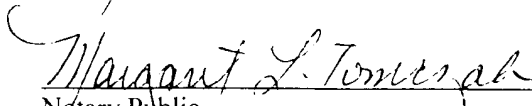
March 1, 2000   
Date Dennis Klinman

County of Montgomery

State of Maryland

Subscribed and sworn to before me this 1st day of April, ~~19~~ 2000

[Seal]

  
Notary Public

432712.1

MY COMMISSION EXPIRES  
MARCH 1, 2003  
MARGARET L. TOMCZAK  
NOTARY PUBLIC

State of Delaware  
*Office of the Secretary of State*

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "COLEY PHARMACEUTICAL GROUP, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF JANUARY, A.D. 2000.

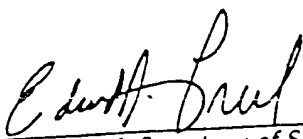
AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE. //



2729259 8300

. 001033709

  
Edward J. Freel, Secretary of State

AUTHENTICATION:

0211842

DATE:

01-21-00

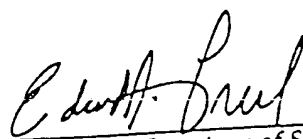
State of Delaware  
Office of the Secretary of State

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "CPG IMMUNOPHARMACEUTICALS, INC.", CHANGING ITS NAME FROM "CPG IMMUNOPHARMACEUTICALS, INC." TO "COLEY PHARMACEUTICAL GROUP, INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF JANUARY, A.D. 2000, AT 9 O'CLOCK A.M.



  
Edward J. Freel, Secretary of State

2729259 8100

001032990

AUTHENTICATION: 0211581

DATE: 01-21-00

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
CPG IMMUNOPHARMACEUTICALS, INC.  
PURSUANT TO SECTION 242

It is hereby certified that:

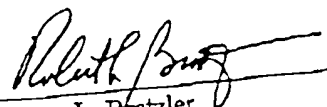
1. The name of the corporation (hereinafter called the "Corporation") is CpG ImmunoPharmaceuticals, Inc.

2. The Certificate of Incorporation of the Corporation as amended to date is hereby amended by striking out Article FIRST in its entirety and by substituting in lieu thereof the following:

"FIRST: The name of the corporation is Coley Pharmaceutical Group, Inc. (hereinafter sometimes referred to as the "Corporation")."

3. The amendment of the Certificate of Incorporation, as amended, herein certified has been duly adopted and written consent has been given in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

Signed this 3<sup>rd</sup> day of January, 2000.

  
Robert L. Bratzler  
President

*State of Delaware*  
*Office of the Secretary of State*

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "CFG IMMUNOPHARMACEUTICALS, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF MARCH, A.D. 1997, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

Edward J. Freel, Secretary of State

AUTHENTICATION:

DATE:

2729259 8100

8375921

CERTIFICATE OF INCORPORATION  
OF  
CPG IMMUNOPHARMACEUTICALS, INC.

The undersigned, a natural person, for the purpose of organizing a corporation for conducting the business and promoting the purposes hereinafter stated, under the provisions and subject to the requirements of the laws of the State of Delaware (particularly Chapter 1, Title 8 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified and referred to as the "General Corporation Law of the State of Delaware"), hereby certifies that:

FIRST: The name of the Corporation is CPG IMMUNOPHARMACEUTICALS, INC. (hereinafter sometimes referred to as the "Corporation").

SECOND: The address of the registered office of the Corporation in the State of Delaware is 1013 Centre Road, in the City of Wilmington, County of New Castle. The name of the registered agent at the address is The Prentice-Hall Corporation System, Inc.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which a Corporation may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is forty thousand (40,000) shares, of which stock twenty thousand (20,000) shares, par value of one cent (\$0.01) each, shall be Preferred Stock (the "Preferred Stock") and of which stock twenty thousand (20,000) shares, par value of one cent (\$0.01) each, shall be Common Stock (the "Common Stock").

The Preferred Stock authorized by this Certificate of Incorporation shall be issued in series. The first such series shall be designated Series A Convertible Preferred Stock ("Series A Preferred Stock") and shall consist of three thousand five hundred (3,500) shares.

Except for the Series A Preferred Stock, and except as limited by Article FOURTH, Section 6 hereof, the Board of Directors is authorized at any time, and from time to time, to provide for the issuance of shares of Preferred Stock in one or more series, and to determine the designations, preferences, limitations and relative or other rights of the Preferred Stock or any series thereof. For each series other than the Series A Preferred Stock, and except as limited by Article FOURTH, Section 6 hereof, the Board of Directors shall determine, by resolution or resolutions adopted prior to the issuance of any shares thereof, the designations, preferences, limitations and relative or other rights thereof, including but not limited to the following relative rights and preferences, as to which there may be variations among different series:

- (a) The rate and manner of payment of dividends, if any;
- (b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption;
- (c) The amount payable for shares in the event of liquidation, dissolution or other winding up of the Corporation;
- (d) Sinking fund provisions, if any, for the redemption or purchase of shares;

and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

ELEVENTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of Section 291 of the General Corporation Law of the State of Delaware or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of Section 279 of the General Corporation Law of the State of Delaware, order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths (3/4) in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, such compromise or arrangement and such reorganization shall, if sanctioned by the court to which such application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

TWELFTH: The votes of two-thirds (2/3%) of all of the outstanding shares of the capital stock of the Corporation entitled to vote are required to repeal or amend the provisions of this Certificate of Incorporation relating to:

A. the authority of the Board of Directors and the Stockholders to amend the by-laws of the Corporation; and

B. the elimination of directors' personal liability for monetary damages arising from their negligence and gross negligence.

I, the undersigned, being the sole incorporator, for the purpose of forming a Corporation under the laws of the State of Delaware, do make, file and record this Certificate of Incorporation, to certify that the facts herein stated are true, and accordingly have hereto set my hand this 17 day of March, 1997.

  
Anne T. Leland